



STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Division of Community and Regional Affairs

Sean Parnell, Governor
Susan K. Bell, Commissioner
Scott Ruby, Director

August 5, 2011

Kathy O'Rear
City Clerk
City of Petersburg
P.O. Box 329
Petersburg, AK 99833

Re: *Petition to the Local Boundary Commission for Incorporation of a Petersburg Borough, a Non-Unified Home Rule Borough by Local Action* (hereafter "Petition")

Dear Ms. O'Rear:

The Petition referenced above was received by the Department of Commerce, Community, and Economic Development (hereafter "Commerce") on April 6, 2011.

The proposal outlined in the Petition is subject to approval by the Local Boundary Commission (LBC) pursuant to AS 29.05.100. If the LBC grants the Petition, incorporation would then be subject to approval by a majority of the voters who vote on the question at an election within the proposed borough pursuant to AS 29.05.110 and 3 AAC 110.600.

Commerce has completed the technical review of the Petition in the manner and according to the deadline set out in 3 AAC 110.440. The Petition has been determined to be complete and in proper form. Accordingly, the Petition is hereby accepted for filing.¹

Accepting the Petition for filing marks the beginning of the formal opportunity for review and comment to the LBC by interested individuals and organizations regarding the Petition. As staff to the LBC, this agency is required by law to "investigate and analyze" the Petition. In that regard, we are committed to a thorough, independent, impartial, and meaningful analysis of the Petition. Such will require careful consideration of the Petition, any timely responsive briefs and comments regarding the Petition, any reply brief by the Petitioner, comments on Commerce's preliminary and final reports, and other information.

We look forward to formal comments from interested individuals and organizations regarding the Petition. Once the entire written record has been evaluated, Commerce will complete its formal analysis of the Petition and offer its recommendations.

To move forward, there are a number of formalities required by law. Your immediate attention is required with respect to providing notice to the public that the Petition has been filed. Additionally,

¹ Typically, many petitions contain inconsequential errors and omissions that are not required to be addressed in order for those petitions to be accepted for filing. That may be the case with the City's Petition, as well. We consider all known errors and omissions in the City's Petition to be insignificant and inadvertent. In our view, they are not an impediment to a proper review of the proposal by interested persons.

copies of the Petition must be served on certain entities. Please read and follow the instructions in this letter carefully. A summary listing of the requirements is enclosed.

Public Notice of the Filing of the Petition and Opportunity for Comment

In accordance with 3 AAC 110.640(a), the LBC chair has set 4:30 p.m., Wednesday, October 26, 2011, as the deadline for the receipt in this office of responsive briefs and written comments concerning the Petition. Comments may be mailed, or may be submitted electronically by fax or email. Public notice of the filing of the Petition must be given by publication, posting, and mailing in accordance with 3 AAC 110.450. The following specific requirements must be met:

Publication

The provisions of 3 AAC 110.450(a)(1) require you to publish public notice of the filing of the Petition in a display ad format once each week for three consecutive weeks in one or more newspapers of general circulation designated by Commerce. Commerce is required by 3 AAC 110.450(b) to specify the wording of the notice.

The Petition lists the *Petersburg Pilot*, *Wrangell Sentinel*, and the *Juneau Empire* among the newspapers serving the area within the proposed borough. Commerce hereby designates the *Petersburg Pilot*, *Wrangell Sentinel* and the *Juneau Empire* as the newspapers for publication of the notice of the filing of the Petition.

To facilitate the required publication, we have arranged or will arrange on your behalf for the notice to be printed in the above stated newspapers as follows:

Newspaper	Publication Dates
Petersburg Pilot	August 4 th , 11 th , 18 th , 25 th
Juneau Empire	August 11 th , 18 th , 25 th
Wrangell Sentinel	August 11 th , 18 th , 25 th

Since it is the Petitioner's responsibility for publication of the notice, billings for those publications will be sent to you, as the Petitioner's Representative, for payment.

Commerce will arrange for the notice to be published on the state's Online Public Notices at <http://notes3.state.ak.us/pn>. Commerce will also publish the notice on the LBC's website and on the Division of Community and Regional Affairs' website <http://www.commerce.state.ak.us/dca/lbc/lbcnotices.htm> and <http://www.commerce.state.ak.us/dca/>, respectively. The notice will be also sent to those individuals and entities which have subscribed to the LBC notice email service.

Posting of Notice

In accordance with 3 AAC 110.450(a)(2), the notice of the filing of the Petition must be posted in at least three prominent locations readily accessible to the public and within or near the boundaries proposed for change. Please post the notice of the filing of the Petition in the following prominent locations readily accessible to the public within the proposed borough boundaries:

1. United States Post Office in Petersburg;
2. Petersburg City Hall;
3. Petersburg Library;
4. Papke's Landing boat launch and parking area;
5. Highway post nearest the intersection of Papke's Landing Road and the Mitkof Highway, viewed from both northbound and southbound directions;
6. Scow Bay Fire Station;
7. Top of gangways (4) at City of Petersburg harbor/docks; and
8. Trading Union and Hammer & Wikan bulletin boards

Further, please post the notice on the City of Petersburg's website.

Additionally, please provide the notice to the following municipalities and request that each post the notice in a prominent location:

9. City of Kupreanof, Kupreanof City Building;
10. City and Borough of Wrangell;
11. City of Kake;
12. City and Borough of Juneau; and
13. City of Angoon.

The notice should be posted at the locations listed as 1 – 8 above, on the City of Petersburg website, and provided to the municipalities listed as 9 – 13 above at the earliest opportunity, but no later than September 19, 2011.² Under 3 AAC 110.450(a)(3), please ensure that the notice remains posted at all locations until the close of the comment period on October 26, 2011.

² Under 3 AAC 110.450(a)(2), such posting must be made "no later than 45 days after receipt of this notice." Additionally, 3 AAC 110.640(b)(1) provides that "In a schedule under (a) of this section, and except as provided by 3 AAC 110.590 for certain local action annexations, the chair of the commission shall allow at least (1) 49 days after the date of initial publication or posting of notice of the filing of a petition, whichever occurs first, for receipt by the department of a responsive brief or written comments concerning the petition." Here, the public comment period will last for 83 days after the date of initial publication.

Notice to Specific Individuals and Organizations

Under 3 AAC 110.450(a)(4), you must hand deliver or mail, postage prepaid, the notice of the filing of the Petition, correctly addressed to all municipalities having jurisdictional boundaries extending within twenty miles of the proposed borough boundaries:

- City of Kupreanof;
- City of Kake;
- City of Angoon;
- City and Borough of Juneau; and
- City and Borough of Wrangell.

Additionally, Commerce directs that you provide the notice to the following:

- Ketchikan Gateway Borough;

Please also provide notice to the remaining 57 individuals and organizations (not otherwise listed above) named in "Exhibit B" of the Petition as having potential interest in the incorporation proceedings. The notice should be hand delivered or mailed to those entities at your earliest opportunity, but no later than September 19, 2011.

Request for Public Service Announcement

Under 3 AAC 110.450(a)(5), you are required to submit a request for a public service announcement of the filing of the Petition to *at least one* radio station or television station serving the area proposed for incorporation. Commerce shall specify the text of the public notices and send it to you. The law further specifies that you must request that announcement be made for 14 days following receipt of the request.

The Petition lists several radio stations, and one television scanner serving the area within the proposed borough. Please submit the public service announcement to each station listed in the petition's "Exhibit B", as well as KRBD-FM (Ketchikan). The request should be mailed at your earliest opportunity, but no later than September 19, 2011.

Service of Petition

In accordance with 3 AAC 110.460(a), a complete copy of the Petition must be served on every municipality within an area extending 20 miles beyond the boundaries of the proposed borough. It must be served within 25 days of the petitioner receiving Commerce's notice of filing of the petition. Copies of the petition documents, including maps and other exhibits, must conform to the originals in color, size, and other distinguishing characteristics. As noted above, the Petition lists the following municipalities:

- City of Kupreanof;
- City of Kake;

- City of Angoon;
- City and Borough of Juneau; and
- City and Borough of Wrangell.

Additionally, Commerce directs that you provide the notice to the following:

- Ketchikan Gateway Borough;

Before the copies of the Petition are served as noted above, the petitioners should redact (i.e., “black out”) voter identification numbers and signatures in Exhibits K-1 and K-2 of the Petition to keep that information confidential.

Opportunity for Public Review of Petition Materials

In accordance with 3 AAC 110.460(b), you must make a full set of Petition documents available for public review beginning August 5, 2011, at a central and convenient location. The Petition names the following locations:

City of Petersburg City Hall	Petersburg Library
City of Kupreanof City Building	City of Petersburg website

In addition to the Petition itself, the “Petition documents” include all current and future public notices, all future public comments, all future responsive briefs, the petitioner’s reply brief, and Commerce reports. The petitioner will need to update the petitions to include all future materials. Commerce suggests that the petitioner also include a copy of the laws establishing standards and procedures for borough incorporation. The standards consist of Article X of Alaska’s Constitution, AS 29.05.031, AS 29.05.100, 3 AAC 110.045 – 3 AAC 110.065, and 3 AAC 110.900 – 3 AAC 110.990. The procedures governing borough incorporation are set out in AS 29.05.060 – 29.05.150 and 3 AAC 110.400 – 3 AAC 110.700.

The petition documents must be available for review during normal working hours, and the petitioner shall accommodate specific requests for public review of the petition documents at reasonable times in the evening and on weekend days. All published and posted notices of filing of a petition must identify the specific location of the petition documents, and the hours when the documents can be reviewed. The Petition documents must remain available for public review through the last date on which a court could order the LBC to reconsider some aspect of its decision regarding the proposal.

Additional Copies of the Petition

As required by 3 AAC 110.470, five additional complete copies of the Petition documents must be provided to this office within 50 days of receiving this letter. We have already received these petitions.

Ms. Kathy O'Rear

August 1, 2011

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Proof of Notice and Service

You are responsible for submitting the affidavit required under 3 AAC 110.470 within 50 days of receipt of this letter. The affidavit must state that the notice, posting, service, deposit, and publishing requirements of 3 AAC [110.450](#) - 3 AAC [110.460](#) have been satisfied. Copies of the petition documents, including maps and other exhibits, must conform to the originals in color, size, and other distinguishing characteristics. A form is enclosed for your use in that regard. Let us know if you have any questions.

Sincerely,

R. Brent Williams

Brent Williams

Local Boundary Commission Staff

Enclosures:

1. Public Notice – Notice of Filing of Petition for Local Action Annexation to the City of Petersburg;
2. Petitioner's Checklist for Notice, Service, and Deposit of Petition for Annexation to the City of Petersburg;
3. Form for affidavit of notice, service, and deposit of the Petition;
4. Petersburg petition schedule
5. Alaska Statutes AS 29.05.031 – AS 29.05.150;
6. Article X of Alaska's Constitution, AS 29.05.031, AS 29.05.100, 3 AAC 110.045 – 3 AAC 110.065, and 3 AAC 110.900 – 3 AAC 110.990. Also, AS 29.05.060 – 29.05.150 and 3 AAC 110.400 – 3 AAC 110.700.
7. Article X of Alaska's constitution